

**REMARKS****Summary of Interview**

Applicants would initially like to thank the Examiner for extending the courtesy of a personal interview with the Applicants' representative on August 20, 2003. A proposed amendment was discussed and an agreement was reached regarding the language submitted herein regarding Claims 1 and 36.

**Response to Office Action**

Claims 1-22, 24-28 and 35-41 are now pending in the application. Claims 1-4, 6-8, 10, 13, 16, 18-21, 25-27 and 35 have been amended herein and withdrawn claims 29-34 have been cancelled herein. New claims 36-41 have been added for examination. Minor amendments have been made to the claims to simply overcome the objections to and rejections of the claims under 35 U.S.C. §112. The amendments to the claims contained herein are of equivalent or broader scope compared to those originally filed and, thus, are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

**REJECTION UNDER 35 U.S.C. §112**

Claims 2, 3, 8, 25, 26 and 27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants' regard as the invention. This rejection is respectfully traversed.

Applicants assert that claim 2 has been amended to clarify that each fiber has a diameter in the range of 1  $\mu$ m to 1 mm and to eliminate any further indefiniteness regarding fibre size claimed therein.

Applicants assert that claim 3 has been amended to clarify the subject matter claimed therein.

Applicants assert that claim 8 has been amended per the Examiner's suggestion to provide for proper antecedent basis.

Applicants assert that claim 25 has been amended to be dependent on claim 8, thus, providing for proper antecedent basis.

Applicants assert that claim 26 has been amended to provide for proper antecedent basis, thus, properly being dependent on claim 7.

Applicants assert that claim 27 has been amended to more clearly define the subject matter claimed therein. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

Claims 1, 2, 7, 8, 10, 13, 18-21, 25, 26 and 35 stand objected to for including certain informalities. This objection is respectfully traversed. Notwithstanding, Applicants respectfully assert that the aforementioned claims have been amended to correct the alleged informalities identified by the Examiner. Accordingly, it is respectfully requested that the instant objection be withdrawn.

**REJECTION UNDER 35 U.S.C. §103**

Claims 1-22, 24-28 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yueh (U.S. Patent No. 3,863,017). This rejection is respectfully

traversed. It is believed that the originally filed claims are patentably distinct over the cited reference.

Applicants respectfully assert that Yueh does not teach, suggest or motivate a fish based food product as claimed in the present invention. Nevertheless, Applicants have amended claims 1, 2 and 35 to more particularly point out and distinctly claim a fibrous material, at least some of which has a ramified or branched configuration, as stated on page 17, lines 9-16 of the specification and as is shown in at least Figure 7. Applicants assert that claims 1, 2, and 35 define over Yueh, because Yueh fails to disclose a fish based food product including a fibrous material having a ramified configuration. This is significant since the ramified or branching fibers of the present invention are closer in appearance and texture to the natural shrimp or similar product being replicated than the non-ramified or presumably randomly oriented fibers of the Yueh patent. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Furthermore, Applicants respectfully assert that claims 3-34 should also be in condition for allowance as being dependent upon amended claim 1 or 2.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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